

MONTANA LEGISLATIVE HISTORY

Chapter 532 19 99

Bill H _____ S 54

Original bill & history X c

H. Committee on JUDICIARY

Hearing Date(s) 1/26 X c

EXEC ACTION 3/3 X c

_____ c

_____ c

Date Out _____ c

S. Committee on JUDICIARY

Hearing Date(s) 1/16 X c

EXEC ACTION 1/13 X c

_____ c

_____ c

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

Senate CONFERENCE COMMITTEE ON SB 54:

3/22 X c

LEGISLATIVE HISTORIES SINCE 1997

The scope and depth of legislative committee minutes varies by year and by committee. If you would like additional information about a hearing, you may want to determine whether the hearing was recorded. In addition, some recent floor debates were also recorded. For information on accessing or purchasing these recordings, contact the Historical Society Archives at 406-444-4774.

If you have concerns regarding the format of the enclosed committee minutes or the recordings of the hearings, it is suggested that you contact your state legislators.

SENATE BILLS AND RESOLUTIONS

51

1/04	1st Reading		
1/07	Hearing		
1/07	Committee Executive Action--Bill Passed	9	0
1/07	Committee Report--Bill Passed		
1/08	2nd Reading Passed	46	0
1/09	3rd Reading Passed	48	0
	Transmitted to House		
1/11	Referred to Taxation		
1/21	Hearing		
1/28	Committee Executive Action--Bill Concurred	20	0
1/29	Committee Report--Bill Concurred		
3/02	2nd Reading Concurred	91	6
3/03	3rd Reading Concurred	93	6
	Returned to Senate		
3/03	Sent to Enrolling		
3/04	Returned from Enrolling		
3/05	Signed by President		
3/05	Signed by Speaker		
3/08	Transmitted to Governor		
3/15	Signed by Governor		
3/16	Chapter Number Assigned		
	Chapter Number 68		
	Effective Date: 3/15/1999 - All Sections		

SB 54 Introduced by Halligan

LC0338 Drafter: Lane

Generally Revise the Youth Court Act;...

By Request of Department of Corrections

12/14	Introduced		
12/22	Referred to Judiciary		
1/04	1st Reading		
1/06	Fiscal Note Requested		
1/06	Hearing		
1/13	Fiscal Note Received		
1/14	Fiscal Note Signed		
1/14	Committee Executive Action--Bill Passed as Amended	9	0
1/14	Committee Report--Bill Passed as Amended		
1/15	Fiscal Note Printed		
1/18	2nd Reading Passed	49	0
1/19	3rd Reading Passed	49	0
	Transmitted to House		
1/20	Referred to Judiciary		
1/26	Hearing		
3/04	Committee Executive Action--Bill Concurred as Amended	16	3
3/05	Committee Report--Bill Concurred as Amended		
3/11	2nd Reading Concurred	84	14
3/12	3rd Reading Concurred	84	16
	Returned to Senate with Amendments		
3/15	2nd Reading House Amendments Not Concurred	49	0
3/16	Conference Committee Appointed		
3/22	Hearing		
3/24	Conference Committee Report Received		

HISTORY AND FINAL STATUS 1999

3/27	2nd Reading Conference Committee Report Adopted	47	0
3/29	3rd Reading Conference Committee Report Adopted	47	0
	House		
3/16	Conference Committee Appointed		
3/24	Conference Committee Report Received		
4/09	2nd Reading Conference Committee Report Adopted	94	3
4/10	3rd Reading Conference Committee Report Adopted	87	12
4/14	Sent to Enrolling		
4/16	Returned from Enrolling		
4/19	Signed by President		
4/20	Signed by Speaker		
4/20	Transmitted to Governor		
4/30	Signed by Governor		
5/04	Chapter Number Assigned		
	Chapter Number 532		
	Effective Date: 10/01/1999 - All Sections		

SB 55 Introduced by M. Taylor *LC0634 Drafter: Petesch*

Revise Budget Requirements for Certain Enterprise Funds;...

By Request of Legislative Finance Committee

12/14	Introduced		
12/22	Referred to Finance and Claims		
1/04	1st Reading		
1/07	Hearing		
1/13	Committee Executive Action--Bill Passed	18	0
1/13	Committee Report--Bill Passed as Amended		
1/15	2nd Reading Passed	49	0
1/16	3rd Reading Passed	47	1
	Transmitted to House		
1/18	Referred to Appropriations		
1/22	Hearing		
1/27	Committee Executive Action--Bill Concurred as Amended	18	0
1/27	Committee Report--Bill Concurred as Amended		
2/06	2nd Reading Concurred	98	0
2/08	3rd Reading Concurred	99	0
	Returned to Senate with Amendments		
2/09	2nd Reading House Amendments Concurred	49	0
2/10	3rd Reading Passed as Amended by House	45	4
2/10	Sent to Enrolling		
2/11	Returned from Enrolling		
2/11	Signed by President		
2/12	Signed by Speaker		
2/16	Transmitted to Governor		
2/17	Signed by Governor		
2/18	Chapter Number Assigned		
	Chapter Number 20		
	Effective Date: 2/17/1999 - All Sections		

SENATE BILL NO. 54

INTRODUCED BY HALLIGAN M

BY REQUEST OF THE DEPARTMENT OF CORRECTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE YOUTH COURT ACT; GRANTING GREATER AUTHORITY OVER CERTAIN JUVENILES TO THE DISTRICT COURT; GRANTING GREATER AUTHORITY TO COUNTY ATTORNEYS AND YOUTH COURT JUDGES REGARDING USE OF CONSENT ADJUSTMENTS; GRANTING THE DEPARTMENT OF CORRECTIONS AUTHORITY TO DETERMINE AN EMERGENCY CAPACITY FOR STATE YOUTH CORRECTIONAL FACILITIES AND SYSTEMS; CREATING THE CRIMINALLY CONVICTED YOUTH ACT GRANTING ADDITIONAL DUE PROCESS TO JUVENILE CRIMINAL OFFENDERS; AMENDING SECTIONS 41-5-103, 41-5-121, 41-5-205, 41-5-206, 41-5-1301, 41-5-1302, 41-5-1415, 41-5-1501, 41-5-1503, 41-5-1513, AND 46-24-211, MCA; AND REPEALING SECTION 41-5-208, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-5-103, MCA, is amended to read:

"41-5-103. Definitions. As used in the Montana Youth Court Act, unless the context requires otherwise, the following definitions apply:

(1) "Adult" means an individual who is 18 years of age or older.

(2) "Agency" means any entity of state or local government authorized by law to be responsible for the care or rehabilitation of youth.

(3) "Assessment officer" means a person who is authorized by the court to provide initial intake and evaluation for a youth who appears to be in need of intervention or an alleged delinquent youth.

(4) "Commit" means to transfer to legal custody.

(5) "Correctional facility" means a public or private residential facility used for the placement of delinquent youth or individuals convicted of criminal offenses.

(6) "Court", when used without further qualification, means the youth court of the district court.

(7) "Criminally convicted youth" means a youth who has been convicted in a district court pursuant to 41-5-206.

1 ~~(7)~~(8) "Custodian" means a person, other than a parent or guardian, to whom legal custody of
2 the youth has been given but does not include a person who has only physical custody.

3 ~~(8)~~(9) "Delinquent youth" means a youth who is adjudicated under formal proceedings under the
4 Montana Youth Court Act as a youth:

5 (a) who has committed an offense that, if committed by an adult, would constitute a criminal
6 offense; or

7 (b) who has been placed on probation as a delinquent youth or a youth in need of intervention and
8 who has violated any condition of probation.

9 ~~(9)~~(10) "Department" means the department of corrections provided for in 2-15-2301.

10 ~~(10)~~(11) "Detention" means the holding or temporary placement of a youth in the youth's home
11 under home arrest or in a facility other than the youth's own home for:

12 (a) the purpose of ensuring the continued custody of the youth at any time after the youth is
13 taken into custody and before final disposition of the youth's case; or

14 (b) contempt of court or violation of a valid court order.

15 ~~(11)~~(12) "Detention facility" means a physically restricting facility designed to prevent a youth
16 from departing at will. The term includes a youth detention facility, short-term detention center, and
17 regional detention facility.

18 ~~(12)~~(13) "Family" means the parents, guardians, legal custodians, and siblings or other youth with
19 whom a youth ordinarily lives.

20 ~~(13)~~(14) "Final disposition" means the implementation of a court order for the disposition or
21 placement of a youth as provided in 41-5-1422, 41-5-1503, 41-5-1504, 41-5-1512, 41-5-1513, and
22 41-5-1522 through 41-5-1525.

23 ~~(14)~~(15) "Foster home" means a private residence licensed by the department of public health and
24 human services for placement of a youth.

25 ~~(15)~~(16) "Guardian" means an adult:

26 (a) who is responsible for a youth and has the reciprocal rights, duties, and responsibilities with
27 the youth; and

28 (b) whose status is created and defined by law.

29 ~~(16)~~(17) "Habitual truancy" means recorded absences of 10 days or more of unexcused absences
30 in a semester or absences without prior written approval of a parent or a guardian.

1 ~~(+7)~~(18) "Holdover" means a room, office, building, or other place approved by the board of crime
2 control for the temporary detention and supervision of youth in a physically unrestricting setting for a
3 period not to exceed 24 hours while the youth is awaiting a probable cause hearing, release, or transfer
4 to an appropriate detention or shelter care facility. The term does not include a jail.

5 ~~(+8)~~(19) "Jail" means a facility used for the confinement of adults accused or convicted of criminal
6 offenses. The term includes a lockup or other facility used primarily for the temporary confinement of
7 adults after arrest but does not include a colocated juvenile detention facility that complies with 28 CFR,
8 part 31.

9 ~~(+9)~~(20) "Judge", when used without further qualification, means the judge of the youth court.

10 ~~(+20)~~(21) (a) "Legal custody" means the legal status created by order of a court of competent
11 jurisdiction that gives a person the right and duty to:

- 12 (i) have physical custody of the youth;
13 (ii) determine with whom the youth shall live and for what period;
14 (iii) protect, train, and discipline the youth; and
15 (iv) provide the youth with food, shelter, education, and ordinary medical care.

16 (b) An individual granted legal custody of a youth shall personally exercise the individual's rights
17 and duties as guardian unless otherwise authorized by the court entering the order.

18 ~~(+21)~~(22) "Necessary parties" includes the youth and the youth's parents, guardian, custodian, or
19 spouse.

20 ~~(+22)~~(23) "Parent" means the natural or adoptive parent but does not include a person whose
21 parental rights have been judicially terminated, nor does it include the putative father of an illegitimate
22 youth unless the putative father's paternity is established by an adjudication or by other clear and
23 convincing proof.

24 ~~(+23)~~(24) "Probable cause hearing" means the hearing provided for in 41-5-332.

25 ~~(+24)~~(25) "Regional detention facility" means a youth detention facility established and maintained
26 by two or more counties, as authorized in 41-5-1804.

27 ~~(+25)~~(26) "Restitution" means payments in cash to the victim or with services to the victim or the
28 general community when these payments are made pursuant to a consent adjustment, consent decree,
29 or other youth court order.

30 ~~(+26)~~(27) "Running away from home" means that a youth has been reported to have run away from

1 home without the consent of a parent or guardian or a custodian having legal custody of the youth.

2 ~~{27}~~(28) "Secure detention facility" means a public or private facility that:

3 (a) is used for the temporary placement of youth or individuals accused or convicted of criminal
4 offenses or as a sanction for contempt of court, violation of a parole agreement, or violation of a valid
5 court order; and

6 (b) is designed to physically restrict the movements and activities of youth or other individuals
7 held in lawful custody of the facility.

8 ~~{28}~~(29) "Serious juvenile offender" means a youth who has committed an offense that would be
9 considered a felony offense if committed by an adult and that is an offense against a person, an offense
10 against property, or an offense involving dangerous drugs.

11 ~~{29}~~(30) "Shelter care" means the temporary substitute care of youth in physically unrestricting
12 facilities.

13 ~~{30}~~(31) "Shelter care facility" means a facility used for the shelter care of youth. The term is
14 limited to the facilities enumerated in 41-5-344.

15 ~~{31}~~(32) "Short-term detention center" means a detention facility licensed by the department for
16 the temporary placement or care of youth, for a period not to exceed 10 days excluding weekends and
17 legal holidays, pending a probable cause hearing, release, or transfer of the youth to an appropriate
18 detention facility, youth assessment center, or shelter care facility.

19 ~~{32}~~(33) "State youth correctional facility" means a residential facility used for the placement and
20 rehabilitation of delinquent youth, such as the Pine Hills youth correctional facility in Miles City.

21 ~~{33}~~(34) "Substitute care" means full-time care of youth in a residential setting for the purpose
22 of providing food, shelter, security and safety, guidance, direction, and, if necessary, treatment to youth
23 who are removed from or are without the care and supervision of their parents or guardians.

24 ~~{34}~~(35) "Victim" means:

25 (a) a person who suffers property, physical, or emotional injury as a result of an offense
26 committed by a youth that would be a ~~felony~~ criminal offense if committed by an adult;

27 (b) an adult relative of the victim as defined in subsection (34)(a) if the victim is a minor; and

28 (c) an adult relative of a homicide victim.

29 ~~{35}~~(36) "Youth" means an individual who is less than 18 years of age without regard to sex or
30 emancipation.

~~(35)~~(36) "Youth" means an individual who is less than 18 years of age without regard to sex or emancipation.

~~(36)~~(37) "Youth assessment" means a multidisciplinary assessment of a youth as provided in 41-5-1201.

~~(37)~~(38) "Youth assessment center" means a staff-secured location that is licensed by the department of public health and human services to hold a youth for up to 10 days for the purpose of providing an immediate and comprehensive community-based youth assessment to assist the youth and the youth's family in addressing the youth's behavior.

~~(38)~~(39) "Youth care facility" has the meaning provided in 41-3-1102.

~~(39)~~(40) "Youth court" means the court established pursuant to this chapter to hear all proceedings in which a youth is alleged to be a delinquent youth, a youth in need of intervention, or a youth in need of care and includes the youth court judge, probation officers, and assessment officers.

~~(40)~~(41) "Youth detention facility" means a secure detention facility licensed by the department for the temporary substitute care of youth that is:

- (a) (i) is operated, administered, and staffed separately and independently of a jail; and or
- (ii) a collocated secure detention facility that complies with 28 CFR, part 31; and

(b) ~~is~~ used exclusively for the lawful detention of alleged or adjudicated delinquent youth or as a sanction for contempt of court, violation of a parole agreement, or violation of a valid court order.

~~(41)~~(42) "Youth in need of care" has the meaning provided for in 41-3-102.

~~(42)~~(43) "Youth in need of intervention" means a youth who is adjudicated as a youth and who commits an offense prohibited by law that if committed by an adult would not constitute a criminal offense, including but not limited to a youth who:

- (a) violates any Montana municipal or state law regarding alcoholic beverages;
- (b) continues to exhibit behavior, including running away from home or habitual truancy, beyond the control of the youth's parents, foster parents, physical custodian, or guardian despite the attempt of the youth's parents, foster parents, physical custodian, or guardian to exert all reasonable efforts to mediate, resolve, or control the youth's behavior; or

(c) has committed any of the acts of a delinquent youth but whom the youth court, in its discretion, chooses to regard as a youth in need of intervention."

1 department shall establish a youth placement committee for the purposes of:

2 (a) recommending an appropriate placement of a youth referred to the department under
3 ~~41-5-1304~~ 41-5-1512 and 41-5-1513; or

4 (b) recommending available community services or alternative placements whenever a change
5 is required in the placement of a youth who is currently in the custody of the department under 41-5-1512
6 or 41-5-1513. However, the committee may not substitute its judgment for that of the superintendent
7 of a state youth correctional facility regarding the discharge of a youth from the facility.

8 (2) The committee consists of not less than five members and must include persons who are
9 knowledgeable about the youth, treatment and placement options, and other resources appropriate to
10 address the needs of the youth. Members may include:

11 (a) two representatives of the department;

12 (b) a representative of the department of public health and human services;

13 (c) either the chief probation officer or the youth's probation officer;

14 (d) a mental health professional;

15 (e) a representative of a school district located within the boundaries of the judicial district who
16 must have personal knowledge of and experience with the youth;

17 (f) if an Indian child or children are involved, someone, preferably an Indian person, knowledgeable
18 about Indian culture and family matters;

19 (g) a parent or guardian; and

20 (h) a youth services provider.

21 (3) Committee members serve without compensation.

22 (4) Notwithstanding the provisions of 41-5-123, the committee may be convened by the
23 department or the probation officer of the youth court.

24 (5) If a representative of the school district within the boundaries of which the youth is
25 recommended to be placed and will be attending school is not included on the committee, the person who
26 convened the committee shall inform the school district of the final placement decision for the youth."

27
28 Section 3. Section 41-5-205, MCA, is amended to read:

29 "41-5-205. Retention of jurisdiction -- termination. (1) The court may dismiss a petition or
30 otherwise terminate jurisdiction on its own motion or on the motion or petition of any interested party at

any time. Unless terminated by the court and except as provided in subsections (2) and (3), the jurisdiction of the court continues until the individual becomes 21 years of age.

(2) Court jurisdiction terminates when:

(a) ~~the proceedings are transferred to district court under 41-5-208~~ or an information is filed concerning the offense in district court pursuant to 41-5-206;

(b) the youth is discharged by the department; or

(c) execution of a sentence is ordered under 41-5-1605(2)(b)(iii) and the supervisory responsibilities are transferred to the district court under 41-5-1605.

(3) The jurisdiction of the court over an extended jurisdiction juvenile, with respect to the offense for which the youth was convicted as an extended jurisdiction juvenile, extends until the offender becomes 25 years of age unless the court terminates jurisdiction before that date."

Section 4. Section 41-5-206, MCA, is amended to read:

"41-5-206. Filing in district court prior to formal proceedings in youth court. (1) The county attorney may, in the county attorney's discretion, file with the district court a motion for leave to file an information in the district court if:

(a) the youth charged was 12 years of age or older at the time of the conduct alleged to be unlawful and the unlawful act would if it had been committed by an adult constitute:

(i) sexual intercourse without consent as defined in 45-5-503;

(ii) deliberate homicide as defined in 45-5-102;

(iii) mitigated deliberate homicide as defined in 45-5-103; or

(iv) assault on a peace officer or judicial officer as defined in 45-5-210; or

~~(iv)~~(v) the attempt, as defined in 45-4-103, of or accountability, as provided in 45-2-301, for either deliberate or mitigated deliberate homicide; or

(b) the youth charged was 16 years of age or older at the time of the conduct alleged to be unlawful and the unlawful act is one or more of the following:

(i) negligent homicide as defined in 45-5-104;

(ii) arson as defined in 45-6-103;

(iii) aggravated or felony assault as defined in 45-5-202;

(iv) robbery as defined in 45-5-401;

- 1 (v) burglary or aggravated burglary as defined in 45-6-204;
2 (vi) aggravated kidnapping as defined in 45-5-303;
3 (vii) possession of explosives as defined in 45-8-335;
4 (viii) criminal sale of dangerous drugs as defined in 45-9-101;
5 (ix) criminal production or manufacture of dangerous drugs as defined in 45-9-110;
6 (x) attempt, as defined in 45-4-103, of or accountability, as provided in 45-2-301, for any of the
7 acts enumerated in subsections (1)(b)(i) through (1)(b)(~~ix~~)(ix);
8 (xi) use of threat to coerce criminal street gang membership or use of violence to coerce criminal
9 street gang membership, as defined in 45-8-403;
10 (xii) escape as defined in 45-7-306.

11 (2) The county attorney shall file with the district court a petition for leave to file an information
12 in district court if the youth was 17 years of age at the time the youth committed an offense listed under
13 subsection (1).

14 (3) The district court shall grant leave to file the information if the court finds that there is
15 probable cause to believe that the youth has committed the alleged offense and that, considering the
16 seriousness of the offense and in the interests of community protection, the case should be filed in the
17 district court.

18 (4) The filing of an information in district court terminates the jurisdiction of the youth court over
19 the youth with respect to the acts alleged in the information. A youth may not be prosecuted in the
20 district court for a criminal offense originally subject to the jurisdiction of the youth court unless the case
21 has been filed in the district court as provided in this section. A case may be transferred to district court
22 after prosecution as provided in ~~41-5-208~~ or 41-5-1605.

23 (5) An offense not enumerated in subsection (1) that arises during the commission of a crime
24 enumerated in subsection (1) may be:

- 25 (a) tried in youth court;
26 (b) transferred to district court with an offense enumerated in subsection (1) upon motion of the
27 county attorney and order of the district court judge.

28 (6) If a youth is found guilty in district court of any of the offenses enumerated in subsection (1)
29 ~~and is sentenced to the state prison, the commitment must be to the department of corrections, the court~~
30 shall sentence the youth pursuant to [section 16], Title 45, and Title 46. A youth who is sentenced to

1 the department or a state prison must be evaluated and placed by the department in an appropriate
2 juvenile or adult correctional facility. The department shall confine the youth in whatever institution that
3 it considers proper, including a state youth correctional facility under the procedures of 52-5-111.
4 However, a youth under 16 years of age may not be confined in a state prison facility. During the period
5 of confinement, school-aged youth with disabilities must be provided an education consistent with the
6 requirements of the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq.

7 (7) A youth whose case is filed in the district court may not be detained or otherwise placed in
8 a jail or other adult detention facility before final disposition of the youth's case unless:

- 9 (a) alternative facilities do not provide adequate security; and
10 (b) the youth is kept in an area that provides physical separation as well as sight and sound
11 separation from adults accused or convicted of criminal offenses."
12

13 NEW SECTION. Section 5. Information to be collected by juvenile probation officer or assessment
14 officer -- matter referred to county attorney. The juvenile probation officer or assessment officer shall
15 collect the following information regarding a youth if the youth is alleged to be a delinquent youth and if
16 the juvenile probation officer or assessment officer determines that the matter should be referred to the
17 county attorney for filing a petition in youth court:

- 18 (1) biographical data;
19 (2) a description of prior and current offenses, including criminal history;
20 (3) a listing of known or suspected associates;
21 (4) any gang or drug involvement;
22 (5) field investigation data;
23 (6) motor vehicle ownership and offense data, if any;
24 (7) whether the youth is a suspect in other criminal investigations;
25 (8) history of any victimization of others by the youth;
26 (9) the youth's status offense history;
27 (10) existence of active warrants;
28 (11) school, employment, and family histories;
29 (12) social and medical services histories; and
30 (13) prior conduct in a youth detention or correctional facility, if any.

1

2 Section 6. Section 41-5-1301, MCA, is amended to read:

3 "41-5-1301. Informal disposition. ~~{+}~~ After a preliminary inquiry under 41-5-1201, the probation
4 officer or assessment officer upon determining that further action is required and that referral to the
5 county attorney is not required may:

6 ~~{a}~~(1) provide counseling, refer the youth and the youth's family to another agency providing
7 appropriate services, or take any other action or make any informal adjustment that does not involve
8 probation or detention; or

9 ~~{b}~~(2) provide for treatment or adjustment involving probation or other disposition authorized under
10 41-5-1302 through 41-5-1304 if the treatment or adjustment is voluntarily accepted by the youth's
11 parents or guardian and the youth, if the matter is referred immediately to the county attorney for review,
12 and if the probation officer or assessment officer proceeds no further unless authorized by the county
13 attorney.

14 ~~{2} The juvenile probation officer or assessment officer shall collect the following information
15 regarding a youth if the youth is alleged to be a delinquent youth and if the probation officer or
16 assessment officer determines that the matter should be referred to the county attorney for filing a
17 petition in youth court:~~

- 18 ~~—— (a) biographical data;~~
19 ~~—— (b) a description of prior and current offenses, including criminal history;~~
20 ~~—— (c) a listing of known or suspected associates;~~
21 ~~—— (d) any gang or drug involvement;~~
22 ~~—— (e) field investigation data;~~
23 ~~—— (f) motor vehicle ownership and offense data, if any;~~
24 ~~—— (g) whether the youth is a suspect in other criminal investigations;~~
25 ~~—— (h) history of any victimization of others by the youth;~~
26 ~~—— (i) the youth's status offense history;~~
27 ~~—— (j) existence of active warrants;~~
28 ~~—— (k) school, employment, and family histories;~~
29 ~~—— (l) social and medical services histories;~~
30 ~~—— (m) prior conduct in a youth detention or correctional facility, if any."~~

Section 7. Section 41-5-1302, MCA, is amended to read:

"41-5-1302. Consent adjustment without petition. (1) Before referring the matter to the county attorney and subject to the limitations in subsection (3), the probation officer or assessment officer may enter into a consent adjustment and give counsel and advice to the youth, the youth's family, and other interested parties if it appears that:

(a) the admitted facts bring the case within the jurisdiction of the court;

(b) counsel and advice without filing a petition would be in the best interests of the child, the family, and the public; and

(c) the youth may be a youth in need of intervention and the probation officer or assessment officer believes that the parents, foster parents, physical custodian, or guardian exerted all reasonable efforts to mediate, resolve, or control the youth's behavior and the youth continues to exhibit behavior beyond the control of the parents, foster parents, physical custodian, or guardian.

(2) Any probation or other disposition imposed under this section against a youth must conform to the following procedures:

(a) Every consent adjustment must be reduced to writing and signed by the youth and the youth's parents or the person having legal custody of the youth.

(b) If the probation officer or assessment officer believes that the youth is a youth in need of intervention, the probation officer or assessment officer shall determine that the parents, foster parents, physical custodian, or guardian exerted all reasonable efforts to mediate, resolve, or control the youth's behavior and that the youth continues to exhibit behavior beyond the control of the parents, foster parents, physical custodian, or guardian.

(c) Approval by the youth court judge is required if the complaint alleges commission of a felony or if the youth has been or will be in any way detained.

(3) (a) A consent adjustment without petition under this section may be used to dispose of a youth's alleged:

(i) first offense regardless of the nature of the offense;

(ii) second offense if both the alleged first offense and the alleged second offense would be misdemeanors if committed by an adult;

(iii) third offense within a 3-year period if all three offenses would be misdemeanors if committed

1 by an adult and only if use of the consent adjustment without petition is approved by the county attorney
2 and the youth court judge.

3 (b) A consent adjustment without petition under this section may not be used to dispose of a
4 youth's alleged:

5 (i) ~~second or subsequent~~ offense if that offense would be a felony if committed by an adult and
6 the first alleged offense would be a felony if committed by an adult;

7 (ii) second offense if that offense would be a felony and was committed within 3 years of a first
8 offense that would be a misdemeanor if committed by an adult; or

9 (iii) third or subsequent offense if that offense would be a misdemeanor if committed by an adult,
10 except as provided in subsection (3)(a)(iii).

11 (c) For purposes of this subsection (3), related offenses committed by a youth during the same
12 48-hour period must be considered a single offense."

13
14 Section 8. Section 41-5-1415, MCA, is amended to read:

15 "41-5-1415. Admissibility of confession or illegally seized evidence. In a proceeding alleging a
16 youth to be a delinquent youth:

17 (1) an extrajudicial statement that would be constitutionally inadmissible in a criminal matter may
18 not be received in evidence;

19 (2) evidence illegally seized or obtained may not be received in evidence to establish the
20 allegations of a petition against a youth; and

21 (3) an extrajudicial admission or confession made by the youth out of court is insufficient to
22 support a finding that the youth committed the acts alleged in the petition unless it is corroborated by
23 other evidence; ~~and~~

24 ~~— (4) upon a finding of an offense related to use of alcohol or illegal drugs, the court may order the~~
25 ~~youth to undergo urinalysis for the purpose of determining whether the youth is using alcoholic beverages~~
26 ~~or illegal drugs."~~

27
28 Section 9. Section 41-5-1501, MCA, is amended to read:

29 "41-5-1501. Consent decree with petition. (1) (a) Subject to the provisions of subsection (2),
30 after the filing of a petition under 41-5-1402 and before the entry of a judgment, the court may, on

1 motion of counsel for the youth or on the court's own motion, suspend the proceedings and continue the
2 youth under supervision under terms and conditions negotiated with probation services and agreed to by
3 all necessary parties. The court's order continuing the ~~child~~ youth under supervision under this section is
4 known as a "consent decree". Except as provided in subsection (1)(b), the procedures used and
5 dispositions permitted under this section must conform to the procedures and dispositions specified in
6 41-5-1302 through 41-5-1304 relating to consent adjustments without petition and the responsibility of
7 the youth's parents or guardians to pay a contribution for the costs of placement in substitute care.

8 (b) A youth may be placed in detention for up to 10 days on a space-available basis at the
9 county's expense, which is not reimbursable under part 19 of this chapter.

10 (2) A consent decree under this section may not be used by the court unless the youth admits
11 guilt for any charges of an offense set forth in the petition and accepts responsibility for the youth's
12 actions.

13 (3) If the youth or the youth's counsel objects to a consent decree, the court shall proceed to
14 findings, adjudication, and disposition of the case.

15 (4) If, either prior to discharge by probation services or expiration of the consent decree, a new
16 petition alleging that the youth is a delinquent youth or a youth in need of intervention is filed against the
17 youth or if the youth fails to fulfill the expressed terms and conditions of the consent decree, the petition
18 under which the youth was continued under supervision may be reinstated in the discretion of the county
19 attorney in consultation with probation services. In the event of reinstatement, the proceeding on the
20 petition must be continued to conclusion as if the consent decree had never been entered.

21 (5) A youth who is discharged by probation services or who completes a period under supervision
22 without reinstatement of the original petition may not again be proceeded against in any court for the
23 same offense alleged in the petition, and the original petition must be dismissed with prejudice. This
24 subsection does not preclude a civil suit against the youth for damages arising from the youth's conduct.

25 (6) In all cases in which the terms of the consent decree extend for a period in excess of 6
26 months, the probation officer shall at the end of each 6-month period submit a report that must be
27 reviewed by the court.

28 (7) A consent decree with petition under this section may not be used to dispose of a youth's
29 alleged second or subsequent offense if that offense would be a felony if committed by an adult or third
30 or subsequent offense if that offense would be a misdemeanor if committed by an adult."

1

2 **Section 10.** Section 41-5-1503, MCA, is amended to read:

3 **"41-5-1503. Medical or psychological evaluation of youth -- urinalysis.** (1) The youth court may
4 order a youth to receive a medical or psychological evaluation at any time prior to final disposition if the
5 youth waives the youth's constitutional rights in the manner provided for in 41-5-331. The county
6 determined by the court as the residence of the youth is responsible for the cost of the evaluation, except
7 as provided in subsection (2). A county may contract with the department or other public or private
8 agencies to obtain evaluation services ordered by the court.

9 (2) The youth court shall determine the financial ability of the youth's parents or guardians to pay
10 the cost of an evaluation ordered by the court under subsection (1). If they are financially able, the court
11 shall order the youth's parents or guardians to pay all or part of the cost of the evaluation.

12 (3) Subject to 41-5-1512(15)(a), the youth court may not order an evaluation or placement of a
13 youth at a state youth correctional facility unless the youth is found to be a delinquent youth or is alleged
14 to have committed an offense that is listed under 41-5-206.

15 (4) An evaluation of a youth may not be performed at the Montana state hospital unless the youth
16 is transferred to the district court under ~~41-5-208~~ or 41-5-1605 or the jurisdiction of the youth court is
17 terminated following the filing of an information in district court pursuant to 41-5-206.

18 (5) In a proceeding alleging a youth to be a delinquent youth, upon a finding of an offense related
19 to use of alcohol or illegal drugs, the court may order the youth to undergo urinalysis for the purpose of
20 determining whether the youth is using alcoholic beverages or illegal drugs."

21

22 **Section 11.** Section 41-5-1513, MCA, is amended to read:

23 **"41-5-1513. Disposition -- delinquent youth -- restrictions.** (1) If a youth is found to be a
24 delinquent youth, the youth court may enter its judgment making one or more of the following
25 dispositions:

26 (a) any one or more of the dispositions provided in 41-5-1512;

27 (b) subject to 41-5-1504, 41-5-1512(15)(a), and 41-5-1522, commit the youth to the department
28 for placement in a state youth correctional facility or in a correctional facility or a program operated by
29 the department, and recommend to the department that the youth not be released until the youth reaches
30 18 years of age. The court may not place a youth adjudicated delinquent in a state youth correctional

1 facility for an offense that would be a misdemeanor if committed by an adult unless the court finds that
2 the youth presents a danger to the public safety and that the placement is recommended by a mental
3 health professional after evaluation of the youth.

4 ~~(c) subject to 41-5-1504, 41-5-1512(15)(a), and 41-5-1522, sentence a youth to one of the state~~
5 ~~youth correctional facilities established under 52-5-101 and, as part of the sentence, deny the youth~~
6 ~~eligibility for release without the express approval of the sentencing judge until the youth reaches 18 years~~
7 ~~of age. A youth may not be sentenced to a state youth correctional facility unless the department informs~~
8 ~~the judge that space is available for the youth at that facility. Except as provided in subsection (2), the~~
9 ~~sentencing judge may not place limitations on the release unless recommended by the youth placement~~
10 ~~committee. The court may not place a youth adjudicated delinquent in a state youth correctional facility~~
11 ~~for an offense that would be a misdemeanor if committed by an adult, unless the court finds that the~~
12 ~~youth presents a danger to public safety and that the placement is recommended by a mental health~~
13 ~~professional after evaluation of the youth.~~

14 ~~(d)(c)~~ require a youth found to be a delinquent youth, as the result of the commission of an
15 offense that would be a sexual offense or violent offense, as defined in 46-23-502, if committed by an
16 adult, to register as a ~~sex~~ sexual or violent offender pursuant to Title 46, chapter 23, part 5. The youth
17 court shall retain jurisdiction in a disposition under this subsection.

18 ~~(e)(d)~~ in the case of a delinquent youth who is determined by the court to be a serious juvenile
19 offender, the judge may specify that the youth be placed in a state youth correctional facility, subject to
20 the provisions of subsection (2), if the judge finds that the placement is necessary for the protection of
21 the public. The court may order the department to notify the court within 5 working days before the
22 proposed release of a youth from a youth correctional facility. Once a youth is committed to the
23 department for placement in a state youth correctional facility, the department is responsible for
24 determining an appropriate date of release or an alternative placement.

25 ~~(f)(e)~~ impose a fine as authorized by law if the violation alleged would constitute a criminal
26 offense if committed by an adult.

27 (2) If a youth has been adjudicated for a sex offense, the youth court may require completion of
28 sex offender treatment before a youth is discharged."
29

30 Section 12. Section 46-24-211, MCA, is amended to read:

1 **"46-24-211. Information concerning appeal or postconviction remedies.** If the defendant appeals,
2 applies for review of sentence under the criminally convicted youth act, or pursues a postconviction
3 remedy, the attorney general, or the county attorney if the case has not been referred to the attorney
4 general, shall promptly inform the victim of the notice of appeal, application for review under the
5 criminally convicted youth act, or postconviction petition, of the date, time, and place of any hearing, and
6 of the decision."

7
8 **NEW SECTION. Section 13. Excessive juvenile population -- confinement of juveniles in alternate**
9 **placements.** (1) The department shall determine the capacity for state youth correctional facilities. The
10 department shall notify all district courts, sheriffs, and youth courts of the capacity for each state youth
11 correctional facility by sending a report to each annually.

12 (2) If the population of a state youth correctional facility exceeds the capacity established by the
13 department, the director of the department may declare that the capacity has been exceeded and
14 temporarily stop admissions to the facility. The director shall notify each district court, sheriff, and youth
15 court that delinquent or criminally convicted youth will not be accepted by the department for admission
16 into the facility until the population is reduced to less than the capacity determined by the department
17 in subsection (1).

18 (3) If the director of the department declares that the capacity has been exceeded, the
19 department shall place delinquent youth committed to a state youth correctional facility or criminally
20 convicted youth in alternate placements based on the needs of the delinquent youth or criminally
21 convicted youth.

22 (4) The department may enter into contracts with the federal government, other states, local
23 governments, public or private corporations, and other entities that have suitable facilities for confining
24 delinquent youth or criminally convicted youth committed to the department, either because a state youth
25 correctional facility has exceeded its capacity or because the department has no youth correctional facility
26 that is adequate for certain delinquent youth or criminally convicted youth.

27
28 **NEW SECTION. Section 14. Short title.** [Sections 14 through 17] may be cited as the "Criminally
29 Convicted Youth Act".
30

1 **NEW SECTION. Section 15. Purpose.** The criminally convicted youth act must be interpreted and
2 construed to effectuate the following express legislative purposes:

- 3 (1) to protect the public;
- 4 (2) to hold youth who commit offenses that may be filed directly in district court pursuant to
5 41-5-206 accountable for their actions;
- 6 (3) to provide for the custody, assessment, care, supervision, treatment, education, rehabilitation,
7 and work and skill development of youth convicted in district court; and
- 8 (4) to comply with the legislative purposes set forth in 41-5-102.

9

10 **NEW SECTION. Section 16. Disposition of criminally convicted youth.** (1) The district court, in
11 sentencing a youth adjudicated in district court pursuant to 41-5-206, shall:

12 (a) impose any sentence allowed by the statute that established the penalty for the offense of
13 which the youth is convicted as if the youth were an adult and any conditions or restrictions allowed by
14 statute;

15 (b) retain jurisdiction over the case until the criminally convicted youth reaches the age of 21;

16 (c) order the department to submit a status report to the court, county attorney, and defense
17 attorney every 6 months. The report must include a recommendation from the department regarding the
18 disposition of the criminally convicted youth.

19 (2) The district court shall review the criminally convicted youth's sentence pursuant to [section
20 17] before the youth reaches the age of 21 if a hearing has not been requested under [section 17].

21

22 **NEW SECTION. Section 17. Sentence review hearing.** (1) When a youth has been convicted as
23 an adult pursuant to the provisions of 41-5-206, the county attorney, defense attorney, or youth may,
24 at any time before the youth reaches the age of 21, request a hearing to review the sentence imposed
25 on the youth.

26 (2) After reviewing the status report and upon motion for a hearing, the court shall determine
27 whether to hold a criminally convicted youth sentence review hearing. If the court, in its discretion,
28 determines that a sentence review hearing is warranted or is required under [section 16], the hearing must
29 be held within 90 days after the filing of the request or determination. The sentencing court or county
30 attorney shall notify the victim of the offense pursuant to Title 46, chapter 24.

(3) The sentencing court shall review the department's records, youth court records, victim statements, and any other pertinent information.

(4) The sentencing court, after considering the criminal, social, psychological, and any other records of the youth; any evidence presented at the hearing; and any statement by the victim shall determine whether the criminally convicted youth has been substantially rehabilitated based upon clear and convincing evidence.

(5) In the event that the sentencing court determines that the youth has been substantially rehabilitated, the court shall determine whether to:

(a) suspend all or part of the remaining portion of the sentence, impose conditions and restrictions pursuant to 46-18-201, and place the youth on probation under the direction of the department, unless otherwise specified;

(b) impose all or part of the remaining sentence and make any additional recommendations to the department regarding the placement and treatment of the criminally convicted youth; or

(c) impose a combination of options allowed under subsections (5)(a) and (5)(b), not to exceed the total sentence remaining.

(6) The sentencing court may revoke a suspended sentence of a criminally convicted youth pursuant to 46-18-203.

NEW SECTION. Section 18. Codification instruction. (1) [Section 5] is intended to be codified as an integral part of Title 41, chapter 5, part 12, and the provisions of Title 41, chapter 5, part 12, apply to [section 5].

(2) [Sections 13 through 17] are intended to be codified as an integral part of Title 41, chapter 5, and the provisions of Title 41, chapter 5, apply to [sections 13 through 17].

NEW SECTION. Section 19. Repealer. Section 41-5-208, MCA, is repealed.

- END -

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

JUDICIARY

Call to Order: By CHAIRMAN LORENTS GROSFIELD, on January 6, 1999
at 9:00 A.M., in Room 104 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Walter McNutt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Judy Keintz, Committee Secretary
Valencia Lane, Legislative Services Division

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 6, SB 8, SB 24, SB 54,
1/3/1999
Executive Action: SB 6

HEARING ON SB 6

Sponsor: SEN. DON HARGROVE, SD 16, Belgrade

Proponents: Mike Batista, Administrator of the Division of
Criminal Investigation, Dept. of Justice
Kent Funyak, Cascade County Undersheriff
Roland Mena, Bureau Chief of Chemical Dependency,
Department of Public Health and Human Services

Questions from Committee Members and Responses:

SEN. HALLIGAN questioned whether there would be any other law enforcement personnel in an area that could serve as a substitute probation officer. Mr. Horsfall remarked that he did not know of any circumstances where a district court judge may be allowed to appoint a deputy juvenile probation officer to a part-time position without a connection to the employment by the county since the county pays the wages.

SEN. DOHERTY suggested that the bill could be amended to state that the part-time juvenile probation officer appointed would need to be trained for that position. Ms. Oitzinger commented that if the person working on the disposition of the case was the probation officer and they had obtained information as a law enforcement officer, this might affect the outcome of the situation. This would cut both ways.

John Larson, Missoula District Court Judge, remarked that the judge in eastern Montana needed this flexibility and would make sure that his appointee was properly trained. Guidelines could be set to avoid a conflicting situation. There are grant opportunities to help with funding and training.

SEN. BARTLETT asked the opponents how they would address the situation that exists and this bill attempts to address. Mr. Horsfall stated that if the same requirements in training and hiring were applied that are applied to the existing statewide probation staff and particular attention was paid to potential conflicts of interest, there are law enforcement officers in this state that would be good probation officers.

Closing by Sponsor:

SEN. NELSON remarked that she agreed with the suggested changes by Mr. Morris. She added that she believed the district court judges would use good judgment in these appointments. This makes good sense for rural areas.

{Tape : 2; Side : A; Approx. Time Counter : 10.42}

HEARING ON SB 54

Sponsor: SEN. MIKE HALLIGAN, SD 34, Missoula

Proponents: Rick Day, Director of the Department of
Corrections
Matt Robinson, Department of Corrections

Sandy Oitzinger, Montana Juvenile Probation
Officers Assoc.
Allen Horsfall, Board of Crime Control

Opponents: John Larson, District Judge in Missoula and
Mineral Counties, Fourth Judicial District

Opening Statement by Sponsor:

SEN. MIKE HALLIGAN, SD 34, Missoula, introduced SB 54 which is a revision of the juvenile justice statutes. This bill is at the request of the Department of Corrections. He added that Section 7 includes a provision that has been added at his request which would give some discretion to juvenile probation officers to address youth who are committing misdemeanors or offenses that do not require district court action. Section 4 includes two new direct file offenses. Section 13 provides a cap on the youth correction facilities. Section 14 creates the label of "criminally convicted youth" which will be attached to the Section 206 youth in direct file situations.

Proponents' Testimony:

Rick Day, Director of the Department of Corrections, appeared in support of SB 54 and provided a copy of his written testimony, EXHIBIT(8).

Matt Robinson, Department of Corrections, explained that Section 1 of the bill contains the definition of "criminally convicted youth" as juveniles who are transferred to district court under Section 206 of the current statutes. Sections 2 and 3 contain technical changes and delete references to Section 208 which is proposed to be repealed in Section 19. Section 4 allows criminal charges to be filed against juveniles who assault staff at Pine Hills or Riverside or who assault other peace officers. It provides consequences for them that are beyond what is currently available. It also allows prosecutors to charge juveniles who are 16 years of age or older with a criminal offense for escaping a secure correctional facility. Sections 5 and 6 include technical changes. Section 7 changes and clarifies the way juveniles are dealt with in a formal processes. Sections 8, 9, and 10 include technical changes. Section 11 eliminates the current impasse that exists when Pine Hills is at capacity and the court wishes to send a juvenile there on a determined sentence until he becomes 18 years old. Section 12 is a technical change to provide notice to the victims when a juvenile requests review under the sections which create the criminally convicted youth review. Section 13 would cap the number of juveniles at each facility. This is an emergency provision which would allow the department to halt admissions while still taking

responsibility for placement of the individuals. This would allow the department to consistently keep its programs in the facilities intact.

Sections 14 through 17 create the Criminally Convicted Youth Act. These sections define a juvenile who has committed a crime which is transferable to district court under Section 206 as a criminally convicted youth. It provides sentencing options for the judges and tells them exactly how they must sentence these juveniles and how these juveniles should be treated by the corrections system. It also allows the department to provide reports to the court so that the court can track these juveniles. Information and progress reports are provided every six months. After receiving these reports, the court is allowed to review the juvenile's sentence to determine whether or not his progress in the system warrants a modification of the imposed sentence. The requirement is that a hearing is held once before age 21.

The constitutionality of these statutes is dealt with in Montana's Constitution which contains the unique provisions that allow for more protections for juveniles. The mandatory nature of the hearing is that there be one hearing prior to age 21.

Section 18 is a codification instruction and Section 19 repeals Section 208 which has created problems for the department in terms of transferring juveniles who are civilly committed to the department to criminal supervision under the criminal probation and parole officers.

Sandy Oitzinger, Montana Juvenile Probation Officers Assoc., rose in support of SB 54. She stated that her organization especially supports Section 7 of the bill which deals with the three misdemeanor requirement. The primary reasons the Association has opposed the existing statute are that it puts the youth into the formal system too early and tracks them; it overloads the justice system so that youthful offenders of all types are not dealt with in a timely fashion; and it increases cost to the counties and state due to earlier placements, more trials, and increased detention.

Allen Horsfall, Board of Crime Control, rose in support of SB54.

Opponents' Testimony:

John Larson, District Judge in Missoula and Mineral Counties, Fourth Judicial District, stated that the general concepts of the bill were good, but more work was needed. He agreed with the need for clarifying the three misdemeanor requirement and suggested that it be expanded into the consent decrees with petition. The statutes do provide loopholes for special

circumstances. He referred to §41-5-1301, informal disposition, and remarked that there is no limitation on informal dispositions.

He further referred the Committee to the definition of "youth in need of intervention" on page 5, line 26 of the bill, which stated that a petition for a youth in need of intervention could be used even when the youth had committed acts that would qualify him for a delinquency petition. Regarding the language that deals with the commitment powers of the court, he stated that it is necessary to distinguish between the adult system where there is an array of community sentencing options and the youth system where the two options are Pine Hills or Riverside. He agreed with the old section that the department wanted to strike. Both the judiciary and the department's predecessor agreed to that language. It provided specific power to the district judge to tell a youth who is going to Pine Hills that he could not go back home until he satisfied the judge who sent him there that he was ready to go back. This is a community protection.

The cap has specific financial impacts on communities. He provided a handout on new commits at Pine Hills, **EXHIBIT(9)**. Sixty percent of the commitments came from four counties. The remaining 38% was available to the other 52 counties. He expressed concern about the cap being reached by the four counties and the other counties needing to find a place to house their juveniles while the cap is being addressed. His understanding is that the department will propose an amendment that will allow counties to be reimbursed for these expenses. Unfortunately, there are only 36 detention cells in Montana. The juveniles who were sent to a correctional facility to receive treatment end up sitting in a detention facility. Communities on the state boundaries have traditionally used other state's facilities. They currently use the facility at Medical Lake, Washington which charges \$118 a day to keep juveniles. Kalispell charges \$250 a day and Butte charges almost \$300 a day. He believes that the department is in agreement with allowing them to use the Washington facility. However, he requested that the legislation clarify the use of neighboring state and tribal facilities as long as these facilities are licensed by their licensing authorities. He also supports the expansion of transferable offenses but a fiscal impact needs to be noted.

Section 5 on page 9 presents mechanical problems. When a case is transferred to the county attorney, this generally means the case is in conflict and there will not be a voluntary exchange of information.

Regarding the criminally convicted youth provisions, he is concerned for the family of the victim that has lived the case.

for a long time. When the sentencing takes place, they relive it again. Some people will request a review every six months. There is no special treatment that they will be receiving. Juveniles need specific treatment or responsibilities to address. Judges are not skilled at reviewing cases, this is a board of pardons function.

He requested that additional time be allowed for this legislation. This bill was not recommended by the Interim Corrections Committee.

Captain Mike O'Hara and Lt. Alan Egge, Missoula County Sheriff's Department, written testimony, EXHIBIT(10).

Questions from Committee Members and Responses:

CHAIRMAN GROSFIELD asked for clarification of the change to the definition of "victim". Mr. Robinson explained that currently the word "felony" is used and it allows only victim restitution for victims of felony crimes. Many of the crimes committed in Montana are misdemeanors. A criminal offense would allow restitution for victims and it would be much easier for the courts to impose that sanction.

SEN. JABS asked for clarification of line 5 on page 15 which addressed denying the youth eligibility for release. Judge Larson explained that this is current law and he has not heard of a specific instance where this needed to be changed. He has used this in restitution and sex offender cases.

Director Day stated that the law states that the judge can sentence a juvenile for a determinate period to Pine Hills unless the facility is full. The proposed legislation would reduce a lot of the verbiage in this section. There would be the availability of a sentence or commitment to the Department of Corrections facilities, Pine Hills, or Riverside. The majority of the commitments are indeterminate commitments. If there is a severe crime that needs a longer term application, there is the criminally convicted youth provision. The restitution obligation remains and will more effectively be paid once the youth obtains employment.

CHAIRMAN GROSFIELD remarked that there was a large gap between the \$85 a day charge by the tribal agency and the \$250 charge by Kalispell. Judge Larson explained that last year the rate at Kalispell was \$155 a day. They had an agreement with Kalispell that at the end of the year they would audit and return any surplus. One-half of the funds were returned. Their daily rate works out to approximately \$100 a day. This year their charge is \$250 a day and five beds were held open.

Closing by Sponsor:

SEN. HALLIGAN requested that more time be spent reviewing these issues. The goal of the interim committee was to arrive at a system that was more coherent and sensitive to the issues related to early intervention and keeping these juveniles out of prison later in their lives. He agreed with the amendments regarding the consent decree with petition which would provide some flexibility for probation officers and the judges to be able to keep the juveniles out of the district court. He also agreed with clarifying that licensed facilities could be used. The criminally convicted youth issue provides the distinction for the direct file. The cap language needs to be reviewed. The department still maintains its fiscal responsibility for the juveniles. They want to make sure that judges are comfortable that individuals sent to a facility are completing their sentence. He agreed that this bill should be dovetailed with block grants to insure that the four or five large counties are not overloading the system at the expense of those that are trying to provide treatment in the rural areas or other communities.

EXECUTIVE ACTION ON SB 6

Motion: SEN. GRIMES MOVED SB 6 DO PASS.

Discussion:

SEN. BARTLETT raised a concern regarding mandatory sentences for criminal sale of narcotic drugs or opiates, possession of opiates, possession with intent to sell opiates, and criminal possession of precursors which all have mandatory two-year minimums. One of the issues in the sentencing structure is how sentences relate to each other given the severity of the crime. This legislation has the same mandatory minimum for criminal possession of precursors as does the possession with intent to sell opiates. We need to be consistently aware of the questions about our sentencing system and hopefully we will have some avenue in the next interim to do a thorough review of the sentencing structure in the state.

Vote: Motion carried 9-0.

January 6, 1999
Comments
Rick Day, Director, DOC
Senate Judiciary Committee
SB 54

Mr. Chairman and Members of the Senate Judiciary Committee: For the record, my name is Rick Day, and I am the Director of the Department of Corrections. I appear before the Committee today in Support of SB 54. However, I am also here to demonstrate the level of support and commitment the Department has for Montana's juvenile justice system and juvenile corrections in particular.

I would also like to thank Senator Halligan for his willingness to again be directly involved in another piece of youth court legislation. As in the last session, this bill seems to have steadily grown since the Department's original drafts. However, this is a good sign because it brings a number of juvenile justice system players together in an effort to continue the productive reform of the Youth Court Act which we experienced in the last legislative session.

Department Legal Counsel Matt Robertson will follow me to briefly review further specific changes contained in this bill. I would like to direct my comments to what the Department feels are the most significant changes represented by this legislation.

1. Enhanced public safety - Through a clear mechanism and consequences for juvenile offenders. The bill uses what has been known as transfer or direct file process and identifies it as "criminally convicted youth". This process is intended for youth who have committed crimes that rise to the level which justify longer term punishment and supervision in the interest of public safety.

2. Clarity and due process - The delinquency commitment section is clarified to provide only an indeterminate commitment to a youth correctional facility allowing for a consistent approach with delinquent juveniles and greater recognition of the possibility a youth may change with maturity and motivation. The proposed change also eliminates an area of potential conflict between the Department and the judiciary. At the same time the bill provides an already largely

accepted mechanism to respond effectively to serious offenses while still requiring the judge to at least revisit the youth's sentence by age 21.

3. Requires the system to make a choice - The juvenile justice system (adults) could not have it both ways, as what's known as a 208 transfer would be repealed. The system would have to choose either the juvenile system and shorter more flexible terms, or the criminally convicted youth process with the "adult" type or district court sentence.

4. Protection and support of corrections personnel - Assaulting a corrections officer would be added as a direct/criminally convicted youth offense to ensure some consequence even for those already incarcerated in a youth correctional facility.

5. Admissions control - The Department would be able to stop or cap admissions to Pine Hills or Riverside authority that is already in the adult statutes. This authority helps protect the institution and public in the event admissions exceed capacity by removing pressure for early release while clearly establishing the state's financial and jurisdictional responsibility for those youth committed to the state.

6. Fiscal impact - The Department has reviewed the potential fiscal impact of the bill and given the balance of changes and the resources requested in the executive budget or under development feel it is not feasible to attach a specific fiscal impact to this legislation.

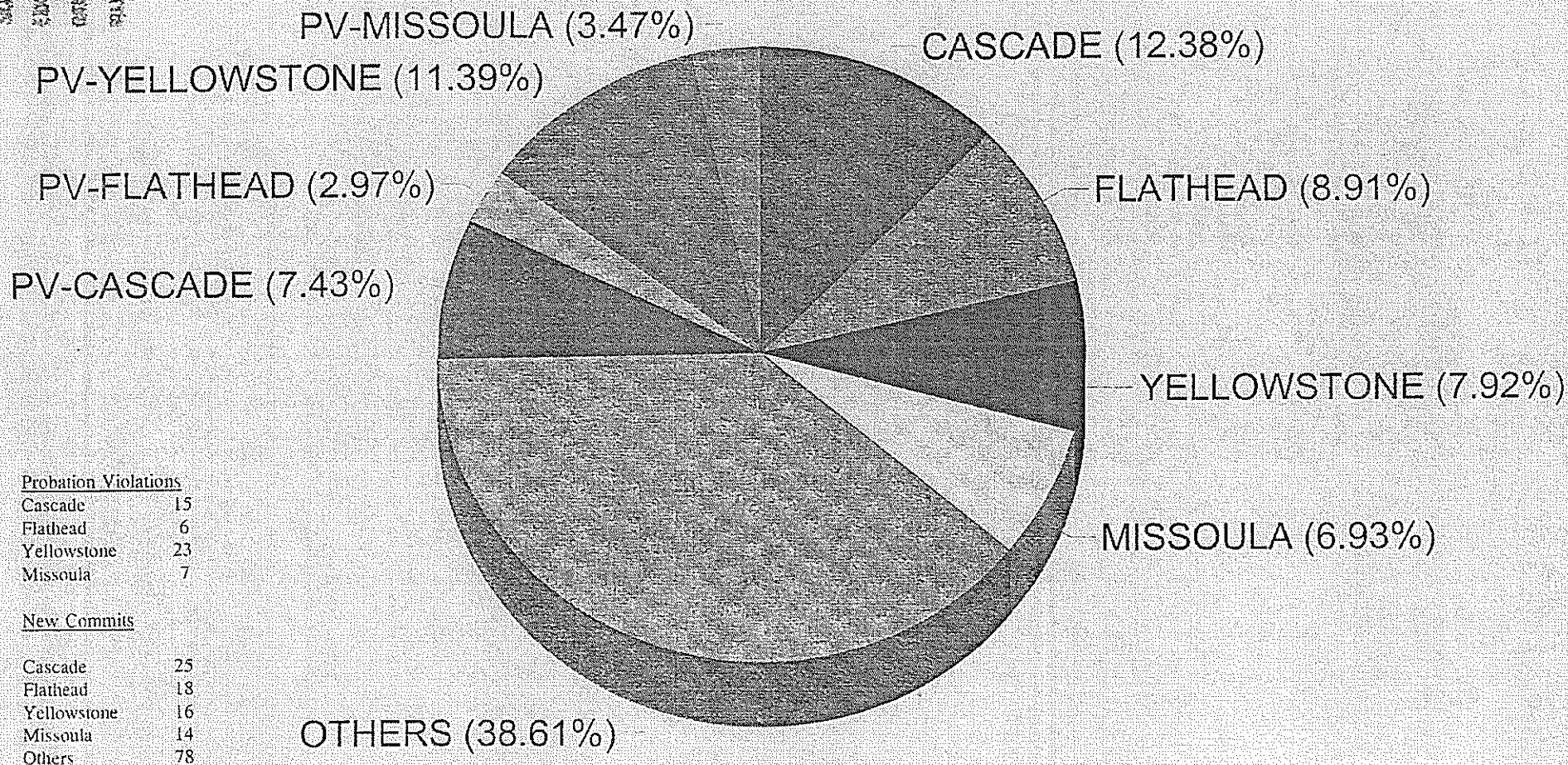
This bill does contain a new approach to the complex problem of managing a young criminal population. It helps provide clear consequences for the juveniles and choices for adults, it extends authority and due process to juvenile corrections already available to adult corrections, and supports the safety of correctional personnel by providing increased sanctions for assaults by juveniles on correctional staff.

The concepts in this bill clearly have merit, and I am confident SB 54 will improve the effectiveness of the juvenile justice and corrections system, and I encourage the committee to vote in favor of SB 54.

PROBATION VIOLATIONS
 PROBATION NO. 9
 DATE 1-6-99
 FILE NO. SB54

PINE HILLS NEW COMMITS

7/1/97 - 6/30/98 (202 Total)



Probation Violations

Cascade	15
Flathead	6
Yellowstone	23
Missoula	7

New Commits

Cascade	25
Flathead	18
Yellowstone	16
Missoula	14
Others	78

MISSOULA
COUNTYSHERIFF'S DEPARTMENT
200 W BROADWAY ST
MISSOULA MT 59802-4292

SENATE JUDICIARY COMMITTEE

JANUARY 01 10

DATE 1-6-99

CALL NO. 5854

Senate Judiciary Chairman Lorents Grosfield
Montana 1999 Legislature
Senate Judiciary Committee

January 5, 1999

Reference: Senate Bill No. 54

Dear Senator Grosfield:

As testimony against Senate Bill. 54 we do not support New Section 13. Excessive juvenile population - Confinement of juvenile in alternate placements.

Our specific concerns are as follow:

- (1) We believe that placing a cap on juvenile population in State Correctional Facilities will result in the filling up of our New Juvenile Facility for which we are paying \$2,000,000.
- (2) While we expect DOC to reimburse us for the daily cost to hold the juvenile, we are concerned about the costs of housing our kids out-of-state due to lack of bed space. The out-of-state costs include the daily rate, mileage and officer time. Add to that the cost of return trips for court, and the lack of parental or legal contact.
- (3) We believe that the State should develop the overflow sites, not the local jurisdiction.

Sincerely,

Captain Mike O'Hara
406-523-2705Lt. Alan Egge.
406-523-2788cc. Senator Mike Halligan
District Court Judge John Larson
Sheriff Doug Chase

DATE _____

DATE _____

1/6/99

[illegible]

Discussion:

SEN. GRIMES said if they went to any rural high school during feeding season, half of those trucks would have a bale knife in them. He is concerned about making a new class of felons.

SEN. MCNUTT said in his area they use beet knives and student trucks are going to have those knives in them and they are purposely and knowingly there. He said this is a different situation in the rural part of the state and is not a problem.

Substitute Motion: SEN. HALLIGAN made a substitute motion to WITHDRAW HIS MOTION ON SB 65.

Discussion:

SEN. HALLIGAN said perhaps they should wait until they address some of these issues.

EXECUTIVE ACTION ON SB 54

Motion: SEN. HALLIGAN moved that AMENDMENTS FOR SB 54 BE ADOPTED. EXHIBIT(12)

Discussion:

Rick Day, MT Department of Corrections, discussed the amendments. (EXHIBIT 12)

Valencia Lane discussed the amendments. (EXHIBIT 12)

Vote: Motion carried unanimously 9-0.

Motion/Vote: SEN. HALLIGAN moved that SB 54 DO PASS AS AMENDED. Motion carried unanimously 9-0.

{Tape : 2; Side : B; Approx. Time Counter : 11:55 a.m.}

EXECUTIVE ACTION ON SB 63

Discussion:

Beth Baker, MT Department of Justice, referred to the bill and said their questions deal with page 3, line 23 and 24. She said federal law requires lifetime registration for a person that has committed an aggravated sexual offense. This is the reason for the amendment so they can be in compliance with federal law. EXHIBIT(13)

Amendments to Senate Bill No. 54
1st Reading Copy

Requested by Senator Mike Halligan

For the Senate Judiciary Committee

Prepared by Valencia Lane
January 7, 1999

1. Title, line 11.

Following: "41-5-206,"

Insert: "41-5-332, 41-5-348,"

2. Title, line 12.

Following: "41-5-1513,"

Strike: "AND"

Insert: "41-5-1803,"

Following: "46-24-211,"

Insert: "AND 52-5-129,"

3. Page 2, line 13.

Strike: "or"

4. Page 2, line 14.

Following: "order"

Insert: "; or

(c) violation of a youth parole agreement"

5. Page 8, line 30.

Strike: "16"

Insert: "20"

6. Page 9, line 12.

Insert: "Section 5. Section 41-5-332, MCA, is amended to read:

"41-5-332. Custody -- hearing for probable cause. (1) When a youth is taken into custody for questioning, a hearing to determine whether there is probable cause to believe the youth is a delinquent youth or a youth in need of intervention must be held within 24 hours, excluding weekends and legal holidays. A hearing is not required if the youth is released prior to the time of the required hearing.

(2) The probable cause hearing required under subsection (1) may be held by the youth court, a justice of the peace, a municipal or city judge, or a magistrate having jurisdiction in the case as provided in 41-5-203. If the probable cause hearing is held by a justice of the peace, a municipal or city judge, or a magistrate, a record of the hearing must be made by a court reporter or by a tape recording of the hearing.

(3) A probable cause hearing may be conducted by telephone if other means of conducting the hearing are impractical. All

written orders and findings of the court in a hearing conducted by telephone must bear the name of the judge or magistrate presiding in the case and the hour and date the order or findings were issued.

(4) A hearing is not required for a youth placed in detention for an alleged parole violation."

{Internal References to 41-5-332:

ok 41-5-103 ok 41-5-1403 ok 41-5-333 ok 41-5-334
ok 41-5-334 ok 41-5-345 ok 41-5-346 ok 41-5-349
A 52-5-129*}"

Insert: "Section 6. Section 41-5-348, MCA, is amended to read:

"41-5-348. Place of detention. Placement in detention means placement in one of the following facilities:

- (1) a short-term detention center; or
- (2) a youth detention facility, including a regional detention facility; or
- (3) a secure detention facility outside the state or operated by an Indian tribe that is under contract to the state or a subdivision of the state and that is in substantial compliance with the licensing requirements contained in rules adopted by the department."

{Internal References to 41-5-348:

ok 41-5-322 ok 41-5-334 ok 41-5-346 A 52-5-129*}"

Renumber: subsequent sections

7. Page 9, line 14.

Strike: "-- matter referred to county attorney"

8. Page 9, line 15 through line 17.

Following: first "youth" on line 15

Strike: remainder of line 15 through "court" on line 17

9. Page 12, line 6.

Strike: "first"

Following: "alleged"

Insert: "first"

10. Page 13, line 30.

Following: "adult"

Insert: "unless it is recommended by the county attorney and accepted by the youth court judge"

11. Page 15, line 29.

Insert: "Section 14. Section 41-5-1803, MCA, is amended to read:

"41-5-1803. County responsibility to provide youth detention services. (1) Each county shall provide services for the detention of youth in facilities separate from adult jails.

(2) In order to fulfill its responsibility under subsection (1), a county may:

- (a) establish, operate, and maintain a holdover, a short-

term detention center, or a youth detention facility at county expense;

(b) provide shelter care facilities as authorized in 41-5-1801;

(c) contract with another county for the use of an available shelter care facility, holdover, short-term detention center, or youth detention facility;

(d) establish and operate a network of holdovers in cooperation with other counties;

(e) establish a regional detention facility; or

(f) enter into an agreement with a private party under which the private party will own, operate, or lease a shelter care facility or youth detention facility for use by the county. The agreement may be made in substantially the same manner as provided for in 7-32-2232 and 7-32-2233.

(g) contract with another state or an Indian tribe for use of a secure detention facility. The contracting county shall determine that the out-of-state or tribal detention facility substantially complies with the licensing requirements contained in rules adopted by the department.

(3) Each county or regional detention facility must be licensed by the department in accordance with rules adopted under 41-5-1802."

{Internal References to 41-5-1803:

ok 41-5-1804}"

Renumber: subsequent sections

12. Page 16, line 2.

Strike: "applies for review of sentence under the criminally convicted youth act, or"

13. Page 16, line 3.

Following: "remedy,"

Insert: "or the district court grants a hearing under [sections 18 through 21],"

14. Page 16, lines 4 and 5.

Strike: "application for review under the criminally convicted youth act"

Insert: "hearing under [sections 18 through 21]"

15. Page 16, line 7.

Insert: "Section 16. Section 52-5-129, MCA, is amended to read:

"52-5-129. Hearing on alleged violation of parole agreement -- right to appeal outcome. (1) When it is alleged by a juvenile parole officer that a youth has violated the terms of the youth's parole agreement, the youth must be granted a hearing at the site of the alleged violation or in the county in which the youth is residing or is found within 10 days after notice has been served on the youth or the youth is detained, whichever is earlier. At the discretion of the hearings officer, this hearing

may be held by means of interactive video transmission. The purpose of the hearing is to determine whether the youth committed the violation and, if so, whether the violation is of such a nature that the youth should be returned to the youth correctional facility from which the youth was released or whether a different plan for custody and supervision of the youth should be pursued by the department of corrections.

(2) The youth, upon advice of an attorney, may waive the right to a hearing.

(3) With regard to this hearing, the youth must be given:

(a) written notice of the alleged violation of the parole agreement, including notice of the purpose of the hearing;

(b) a disclosure of the evidence against the youth and the facts constituting the alleged violation;

(c) the opportunity to be heard in person or by interactive video transmission and to present witnesses and documentary evidence to controvert the evidence against the youth and to show that there are compelling reasons that justify or mitigate the violation;

(d) the opportunity to have the hearings officer subpoena witnesses;

(e) the right to confront and cross-examine adverse witnesses in person or by means of interactive video transmission;

(f) the right to be represented by an attorney;

(g) a record of the hearing; and

(h) notice that a written statement as to the evidence relied upon in reaching the final decision and the reasons for the final decision will be provided by the hearings officer.

(4) The department shall provide a hearings officer to conduct the hearing. The department shall adopt rules necessary to effect a prompt and full review.

(5) If the hearings officer finds, by a preponderance of the evidence, that the youth did in fact commit the violation, the hearings officer shall make a recommendation to the department for the placement of the youth. In making this recommendation, the hearings officer may consider mitigating or aggravating circumstances. The youth or the youth's attorney may appeal the hearings officer's decision to the department director. The appeal must be made in writing within 5 days of the hearing. The department director or designee shall grant or deny the appeal within 5 days of receipt of the appeal.

(6) The youth may appeal the decision of the department director to the district court of the county in which the hearing was held by serving and filing a notice of appeal with the court within 10 days of the department director's decision. The youth may obtain a written transcript of the hearing from the department by giving written notice of appeal. The district court, upon receipt of a notice of appeal, shall order the department to promptly certify to the court a record of all proceedings before the department and shall proceed to a prompt

hearing on the appeal based upon the record on appeal. The decision of the department may not be altered except for abuse of discretion or manifest injustice.

(7) Pending the hearing on a violation and pending the department's decision, a youth may not be detained except when the youth's detention or care is required to protect the person or property of the youth or of others or the youth may abscond or be removed from the community. The department shall determine the place and manner of detention pursuant to 41-5-348 and is responsible for the cost of the detention. Procedures for taking into custody and detention of a youth charged with violation of the youth's parole agreement are as provided in 41-5-321, ~~41-5-331 through 41-5-334, and 41-5-344 through 41-5-349.~~

(8) If the decision is made to return the youth to the youth correctional facility from which the youth was released and the youth appeals that decision, the youth shall await the outcome of the appeal at the facility."

{Internal References to 52-5-129:

ok 52-5-126}"

Renumber: subsequent sections

16. Page 16, line 21.

Following: "youth."

Insert: "If a youth is denied placement in a state youth correctional facility under this section, the department shall inform and seek approval of the district court of the intended alternative placement prior to placing the youth."

17. Page 16, line 28.

Strike: "14 through 17"

Insert: "18 through 21"

18. Page 17, line 16.

Strike: "and"

19. Page 17, line 17.

Following: "attorney"

Insert: ", and juvenile probation officer"

Following: "months"

Insert: "until the youth attains the age of 21"

20. Page 17, line 20.

Strike: "17" in two places

Insert: "21" in two places

21. Page 17, line 23.

Following: "41-5-206,"

Insert: "except for offenses punishable by death or life imprisonment or when a sentence of 100 years could be imposed,"

22. Page 17, line 25.

Following: "youth."

Insert: "The department shall notify the court of the youth's
impending birthday no later than 90 days before the youth's
21st birthday."

23. Page 17, line 28.

Strike: "16"

Insert: "20"

24. Page 18, line 19.

Page 18, line 21.

Strike: "5"

Insert: "7"

25. Page 18, line 22.

Page 18, line 23.

Strike: "13 through 17"

Insert: "17 through 21"

- END -

DATE _____

DATE _____

1/13/99

[illegible]



SENATE STANDING COMMITTEE REPORT

January 13, 1999.

Page 1 of 6

Mr. President:

We, your committee on Judiciary report that Senate Bill 54 (first reading copy -- white) do pass as amended.

Signed:


Senator Lorents Grosfield, Chair

And, that such amendments read:

1. Title, line 11.

Following: "41-5-206,"

Insert: "41-5-332, 41-5-348,"

2. Title, line 12.

Following: "41-5-1513,"

Strike: "AND"

Insert: "41-5-1803,"

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Insert: "; or

(c) violation of a youth parole agreement"

5. Page 8, line 30.

Strike: "16"

Insert: "20"

6. Page 9, line 12.

Insert: "Section 5. Section 41-5-332, MCA, is amended to read:

"41-5-332. Custody -- hearing for probable cause. (1) When a youth is taken into custody for questioning, a hearing to determine whether there is probable cause to believe the youth is

Committee Vote:

Yes 9, No 0.

091559SC.sjo

a delinquent youth or a youth in need of intervention must be held within 24 hours, excluding weekends and legal holidays. A hearing is not required if the youth is released prior to the time of the required hearing.

(2) The probable cause hearing required under subsection (1) may be held by the youth court, a justice of the peace, a municipal or city judge, or a magistrate having jurisdiction in the case as provided in 41-5-203. If the probable cause hearing is held by a justice of the peace, a municipal or city judge, or a magistrate, a record of the hearing must be made by a court reporter or by a tape recording of the hearing.

(3) A probable cause hearing may be conducted by telephone if other means of conducting the hearing are impractical. All written orders and findings of the court in a hearing conducted by telephone must bear the name of the judge or magistrate presiding in the case and the hour and date the order or findings were issued.

(4) A hearing is not required for a youth placed in detention for an alleged parole violation."

Insert: "Section 6. Section 41-5-348, MCA, is amended to read:

"41-5-348. **Place of detention.** Placement in detention means placement in one of the following facilities:

(1) a short-term detention center; or

(2) a youth detention facility, including a regional detention facility; or

(3) a secure detention facility outside the state or operated by an Indian tribe that is under contract to the state or a subdivision of the state and that is in substantial compliance with the licensing requirements contained in rules adopted by the department."

Renumber: subsequent sections

7. Page 9, line 14.

Strike: "-- matter referred to county attorney"

8. Page 9, line 15 through line 17.

Following: first "youth" on line 15

Strike: remainder of line 15 through "court" on line 17

9. Page 12, line 6.

Strike: "first"

Following: "alleged"

Insert: "first"

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Insert: "unless it is recommended by the county attorney and accepted by the youth court judge"

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(2) In order to fulfill its responsibility under subsection (1), a county may:

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(b) provide shelter care facilities as authorized in 41-5-1801;

(c) contract with another county for the use of an available shelter care facility, holdover, short-term detention center, or youth detention facility;

(d) establish and operate a network of holdovers in cooperation with other counties;

(e) establish a regional detention facility; or

(f) enter into an agreement with a private party under which the private party will own, operate, or lease a shelter care facility or youth detention facility for use by the county. The agreement may be made in substantially the same manner as provided for in 7-32-2232 and 7-32-2233.

(g) contract with another state or an Indian tribe for use of a secure detention facility. The contracting county shall determine that the out-of-state or tribal detention facility substantially complies with the licensing requirements contained in rules adopted by the department.

(3) Each county or regional detention facility must be licensed by the department in accordance with rules adopted under 41-5-1802.""

Renumber: subsequent sections

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Insert: "hearing under [sections 18 through 21]"

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the youth's parole agreement, the youth must be granted a hearing at the site of the alleged violation or in the county in which the youth is residing or is found within 10 days after notice has been served on the youth or the youth is detained, whichever is earlier. At the discretion of the hearings officer, this hearing may be held by means of interactive video transmission. The purpose of the hearing is to determine whether the youth committed the violation and, if so, whether the violation is of such a nature that the youth should be returned to the youth correctional facility from which the youth was released or whether a different plan for custody and supervision of the youth should be pursued by the department of corrections.

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(f) the right to be represented by an attorney;

(g) a record of the hearing; and

(h) notice that a written statement as to the evidence relied upon in reaching the final decision and the reasons for the final decision will be provided by the hearings officer.

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(8) If the decision is made to return the youth to the youth correctional facility from which the youth was released and the youth appeals that decision, the youth shall await the outcome of the appeal at the facility.""

Renumber: subsequent sections

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Following: "youth."

Insert: "If a youth is denied placement in a state youth correctional facility under this section, the department shall inform and seek approval of the district court of the intended alternative placement prior to placing the youth."

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Strike: "and"

19. Page 17, line 17.

Following: "attorney"

Insert: ", and juvenile probation officer"

Following: "months"

Insert: "until the youth attains the age of 21"

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Strike: "17" in two places

Insert: "21" in two places

21. Page 17, line 23.

Following: "41-5-206,"

Insert: "except for offenses punishable by death or life imprisonment or when a sentence of 100 years could be

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22. Page 17, line 25.

Following: "youth."

Insert: "The department shall notify the court of the youth's
impending birthday no later than 90 days before the youth's
21st birthday."

23. Page 17, line 28.

Strike: "16"

Insert: "20"

24. Page 18, line 19.

Page 18, line 21.

Strike: "5"

Insert: "7"

25. Page 18, line 22.

Page 18, line 23.

Strike: "13 through 17"

Insert: "17 through 21"

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN ROBERT C. CLARK, on January 26, 1999
at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: Rep. Shiell Anderson (R)

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s): HB 243, HB 327, HB 54,
Date Posted: 1/22/1999
Executive Action: None Taken

Rep. Brainnard presented HB 327.

{Tape : 3; Side : A; Approx. Time Counter : 378 - 441}

Proponents:

Al Boehm, self, Forensic Scientist

{Tape : 3; Side : A; Approx. Time Counter : 441 - 550}

{Tape : 3; Side : B; Approx. Time Counter : 0 - 72}

Sandy Selvey, Public Defender, Yellowstone County

{Tape : 3; Side : B; Approx. Time Counter : 72 - 135}

Marty Lambert, Gallatin County Attorney

{Tape : 3; Side : B; Approx. Time Counter : 135 - 190}

Dennis Paxinos, Yellowstone Co. Attorney

{Tape : 3; Side : B; Approx. Time Counter : 190 - 237}

Opponents:

None

Informational Testimony:

Bill Unger, Forensic Scientist Division-Dept. of Justice

{Tape : 3; Side : B; Approx. Time Counter : 237 - 376}

Questions from Committee Members and Responses:

{Tape : 3; Side : B; Approx. Time Counter : 376 - 550}

{Tape : 4; Side : A; Approx. Time Counter : 0 - 85}

Closing by Sponsor:

Rep. Brainnard made closing remarks.

{Tape : 4; Side : A; Approx. Time Counter : 85 - 124}

HEARING ON SB 54

Sponsor:

Rep. Halligan presented SB 54.

{Tape : 4; Side : A; Approx. Time Counter : 124 - 173}

Proponents:

Rick Day, Dept. of Corrections

{Tape : 4; Side : A; Approx. Time Counter : 241}

EXHIBIT(6)

Matt Roberts, Dept. of Corrections

{Tape : 4; Side : A; Approx. Time Counter : 241 - 353}

John Larson, District Judge-Missoula

{Tape : 4; Side : A; Approx. Time Counter : 353 - 550}

EXHIBIT(7)

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 4; Side : B; Approx. Time Counter : 0 - 102}

Closing by Sponsor:

Rep. Halligan made closing remarks.

{Tape : 4; Side : B; Approx. Time Counter : 102 - 132}

Rep. McGee made a motion to adjourn, motion passed unanimously.

Received Exhibit 7 after meeting was called to adjournment.

EXHIBIT(8)

January 26, 1999
Comments
Rick Day, Director, DOC
House Judiciary Committee
SB 54

EXHIBIT 6
DATE 1/26/99
SB 54

Mr. Chairman and Members of the Senate Judiciary Committee: For the record, my name is Rick Day, and I am the Director of the Department of Corrections. I appear before the Committee today in Support of SB 54. However, I am also here to demonstrate the level of support and commitment the Department has for Montana's juvenile justice system and juvenile corrections in particular.

I would also like to thank Senator Halligan for his willingness to again be directly involved in another piece of youth court legislation. As in the last session, this bill seems to have steadily grown since the Department's original drafts. However, this is a good sign because it brings a number of juvenile justice system players together in an effort to continue the productive reform of the Youth Court Act which we experienced in the last legislative session.

Department Legal Counsel Matt Robertson will follow me to briefly review further specific changes contained in this bill. I would like to direct my comments to what the Department feels are the most significant changes represented by this legislation.

1. Enhanced public safety - Through a clear mechanism and consequences for juvenile offenders. The bill uses what has been known as transfer or direct file process and identifies it as "criminally convicted youth". This process is intended for youth who have committed crimes that rise to the level which justify longer term punishment and supervision in the interest of public safety. The bill uses this already largely accepted mechanism to respond effectively to serious offenses while still requiring the judge to at least revisit the youth's sentence by age 21.
2. Clarity and due process - The delinquency commitment section is clarified to provide only an indeterminate commitment to a youth correctional facility allowing for a consistent approach with delinquent juveniles and greater recognition of the possibility a youth may change with maturity and motivation. The proposed change also eliminates an area of potential conflict between the Department and the judiciary.
3. Requires the system to make a choice - The juvenile justice system (adults) could not have it both ways, as what's known as a 208 transfer would be repealed. The system would have to choose either the juvenile system and shorter more flexible terms, or the criminally convicted youth process with the "adult" type or district court sentence.
4. Protection and support of corrections personnel - Assaulting a corrections officer would be added as a direct/criminally convicted youth offense to ensure some consequence even for those already incarcerated in a youth correctional facility.
5. Admissions control - The Department would be able to stop or cap admissions to Pine Hills or Riverside authority that is already in the adult statutes. This authority helps protect the institution and public in the event admissions exceed capacity by removing pressure for early

release while clearly establishing the state's financial and jurisdictional responsibility for those youth committed to the state.

This bill does contain a new approach to the complex problem of managing a young criminal population. It helps provide clear consequences for the juveniles and choices for adults, it extends authority and due process to juvenile corrections already available to adult corrections, and supports the safety of correctional personnel by providing increased sanctions for assaults by juveniles on correctional staff.

The concepts in this bill clearly have merit, and I am confident SB 54 will improve the effectiveness of the juvenile justice and corrections system, and I encourage the committee to vote in favor of SB 54.

EXHIBIT 7
DATE 4/26/99
SB. 64

AMENDMENTS TO SB54
SECOND READING COPY

Pg. 22

Following:

Section 23.

Add:

NEW SECTION. "Section 24. If LC513 is passed and approved then Section 23 is void."

MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER

HOUSE JUDICIARY COMMITTEE

DATE 11/26/99

BILL NO. SB 54

SPONSOR(S) Halligan

PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)
(PLEASE IDENTIFY TYPE OF VISITOR)

PLEASE PRINT

[illegible]

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVE ROLL CALL

JUDICIARY

COMMITTEE

DATE 1/26/99

NAME	PRESENT	ABSENT	EXCUSED
Robert C. Clark, chair	/		
Dan McGee, vice chair	/		
Diana Wyatt, vice chair	/		
Chris Ahner	/		
Shiell Anderson	/		/
Paul Clark	/		
Aubyn A. Curtiss	/		
Bill Eggers	/		
Tom Facey	/		
Steven Gallus	/		
Gail Gutches	/		
Joan Hurdle	/		
Nick Jere	/		
Sam Kitzenberg	/		
Brad Molnar	/		
Mark Noennig	/		
Jim Shockley	/		
Loren Soft	/		
Carol Williams	/		
Cindy Younkin	/		

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION
CONFERENCE COMMITTEE ON SB 54

Call to Order: By CHAIRMAN DUANE GRIMES, on March 22, 1999 at
12:05 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Duane Grimes, Chairman (R)
Sen. Mike Halligan (D)
Sen. Walter McNutt (R)
Rep. Loren Soft (R)
Rep. Joan Hurdle (D)
Rep. Chris Ahner (R)

Members Excused: None.

Members Absent: None.

Staff Present: Gilda Clancy, Committee Secretary
Valencia Lane, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Executive Action: SB 54

EXECUTIVE ACTION ON SB 54

Motion: SEN. HALLIGAN moved that THE AMENDMENTS BE ADOPTED.

Discussion:

Matthew Anderson-Robertson, Legal Counsel, Department of Corrections, explained they looked at the language in this bill and came up with a much shorter proposal which essentially allows the youth court to continue to use a consent adjustment without petition, but only if the youth court and county attorney agree to permit that. In previous language, a consent adjustment could not be used at all if it was the third offense misdemeanor, whereas if it is a second offense it could.

This will allow if the juvenile commits a felony, the consent adjustment petition cannot be used. It does say if it is a misdemeanor the youth court can, after notification, use the consent petition. The Juvenile Probation Officers will create a standardized form which will allow them to list the current offense, the previous misdemeanor offenses which the juvenile has committed, the proposed sanctions and an approval line signature for both the judge and the county attorney so they are aware of what the juvenile has done. They can then decide what course of action to take with the juvenile. He handed out EXHIBIT(1) and EXHIBIT(2).

SEN. HALLIGAN stated we are trying to address members who felt this bill should have 'sideboards' on it so that probation officers are not misusing their discretion. He has had situations in district court from the existing law, where the crimes are listed for these juveniles as curfew violation, smoking, and alcohol, which are all misdemeanors. These should not be tried in district court. They should be taken care of using consent adjustment in an informal setting. We need to treat kids this way. The felony issue is taken care of separately.

CHAIRMAN GRIMES asked who drafted the amendments.

SEN. HALLIGAN responded Matthew Anderson-Robertson after they had talked about this to clean up the existing language.

CHAIRMAN GRIMES asked Mr. Robertson if he had shown then to any legislative staffer.

Mr. Robertson said he gave them to Valencia Lane.

Vote: Motion that THE AMENDMENTS BE ADOPTED carried unanimously.

Montana Juvenile Probation Officers Association

801 Stuart Street, Helena, MT 59601
ph: 406/443-0235 Fax: 406/449-6391
Email: orasand@mt.net Zipmail: Oitzinger, Sandy

SENATE LABOR & EMPLOYMENT

EXHIBIT 1

DATE 3-22-99

BILL NO. SB 54

& A ON CONSENT ADJUSTMENTS FOR CONFEREES – SB 54

1.

JPO's have the ability to require counseling for a third misdemeanor under a consent adjustment?

2.

Consent adjustments are provided for under MCA 41-5-1302 of the Youth Court. A copy of this statute is attached to this letter for your convenience. Consent adjustments are written, informal agreements that may be entered into when admitted facts bring the case into court jurisdiction. A consent adjustment is an agreement among a Juvenile Probation Officer, a youth, the youth's family and other interested persons. The incentive for a youth and his or her parents for entering into a consent adjustment are as follows: a youth under a consent adjustment is not required to admit to an offense; a formal court petition is not filed against the youth under a consent adjustment; consent adjustments do not become public records as do formal petitions filed in court. There is a very high rate of participation by youth and parents in consent adjustments where they are offered because of these incentives. A copy of a sample consent adjustment setting out possible conditions under the agreement is attached for your information. Certainly counseling may be required under any consent adjustment if all parties agree to it. Typically, counseling will be recommended to be part of the agreement by the JPO if the skill-building to result from counseling is expected to be effective in keeping the youth from re-offending, and the counseling is expected to be successful because the youth's parents support the effort. A balanced and restorative approach is taken to the use of consent adjustments, i.e.: they will enhance the best interest of the youth, community protection, competency development for the youth (skills so the youth will not re-offend), and victim compensation.

Question 2.

How effective are consent adjustments? How many consent adjustments progress into second, third or more consent adjustments?

Discussion

We believe there is considerable variation in numbers of youth entering into more than one consent adjustment across Montana because of differences in community variables such as mobility, economics, and community resources. Statewide information

Exhibit # 1

From 3/22/99

The full exhibit is available from:

Montana Historical Society Archives

225 North Roberts

PO Box 201201

Helena, MT 59602-1201

Phone: (406) 444-4775

a packet of 15 pages detailing the consent adjustment process

on numbers of consent adjustments entered into and how many are first or second consent adjustments is not available at this time because of reporting modules and protocols under the CAPS reporting system. A major transition from JPOs' earlier reporting system (JPIS) to CAPS has only just been effected, and while we believe we will be able to refine reporting protocols and system modules to provide this information in the future, it is not yet available. With that said, the following is information I have collected community to community that I hope will be helpful in addressing your questions:

Bozeman:

According to Dave Gates, Chief Juvenile Probation Officer for the 18th Judicial District (Gallatin County) 80% of Bozeman's first time youth offenders do not come back after one consent adjustment.

Helena:

Dick Meeker, Director of Court Services, 1st Judicial District (Lewis & Clark, Broadwater Counties) indicates 85% of his district's first time youth offenders live up to their consent adjustments or other dispositions and are not seen again.

Missoula:

In Missoula, the caseload was characterized somewhat differently. In Missoula, JPOs operate under the following assumptions that seem to be borne out by caseload actuals:

Given 100 kids in any caseload whether or not consent adjustments are used--

50 out of the 100 will only be seen once;

Of the 50 remaining, 25 kids will be seen two to three times;

(Thus 75 kids of the 100 will never wind up in the system more than three times);

Of the 25 remaining—JPOs will see about half (12 or 13) five times;

Leaving 11 or 12 kids that JPOs see more than five times.

In Missoula, the observation has been that under the "three misdemeanor" requirement in 41-5-1302, 3rd misdemeanor kids are coming back more regularly because of technical violations of their dispositions including status offenses.

Additional Information and Conclusions

The Association last year surveyed juvenile probation officers in Montana's 21 judicial districts. Eighteen districts responded and juvenile probation officers in 15 of those 18 districts identified the 3-misdemeanor requirement as having serious negative impacts for youth justice and community protection. They indicated that the 3-misdemeanor requirement results in heavier court caseloads and delays without meaningful improvement in public safety. By bringing younger offenders into the formal

system earlier, the requirement forecloses opportunities for community involvement with youth and other diversion strategies.

Under 41-5-1302 as presently written, if a child were cited for one disorderly conduct in grade school and one in middle school and then for shoplifting a pack of cigarettes in high school—that's 3 strikes. The third offense tracks the child into the formal system for relatively few, minor infractions over a long period of time.

In a second example, a child might shoplift 3 packs of cigarettes from 3 different locations on the same night. That's 3 strikes as well, bringing the child into formal court. If this child goes to formal court he or she might have a 3-month wait for a court date. If treated informally, restitution, community service and restorative justice activities can begin right away.

It is important to recognize that once a formal petition has been filed in court an open public record on the youth exists until 3 years after his or her probation has been served. At that point, the record is sealed, but it still may be opened and reviewed for 10 additional years (upon cause showing to the court and the court issuing an order) for various inquiries involving other court actions, certain employment investigations, security clearances and the like. It is only after this ten years has expired that these records may be destroyed.

These examples underscore the profound, and we believe largely unintended, consequences the "3-misdemeanor" requirement has had for youth, their parents and Montana communities. That is why the Montana Juvenile Probation Officers Association made revision of the "3 misdemeanor" provisions our number one, top legislative priority for the '99 session.

41-5-1302. Consent adjustment without petition. (1) Before referring the matter to the county attorney and subject to the limitations in subsection (3), the probation officer or assessment officer may enter into a consent adjustment and give counsel and advice to the youth, the youth's family, and other interested parties if it appears that:

- (a) the admitted facts bring the case within the jurisdiction of the court;
- (b) counsel and advice without filing a petition would be in the best interests of the child, the family, and the public; and
- (c) the youth may be a youth in need of intervention and the probation officer or assessment officer believes that the parents, foster parents, physical custodian, or guardian exerted all reasonable efforts to mediate, resolve, or control the youth's behavior and the youth continues to exhibit behavior beyond the control of the parents, foster parents, physical custodian, or guardian.

(2) Any probation or other disposition imposed under this section against a youth must conform to the following procedures:

- (a) Every consent adjustment must be reduced to writing and signed by the youth and the youth's parents or the person having legal custody of the youth.
 - (b) If the probation officer or assessment officer believes the youth is a youth in need of intervention, the probation officer or assessment officer shall determine that the parents, foster parents, physical custodian, or guardian exerted all reasonable efforts to mediate, resolve, or control the youth's behavior and the youth continues to exhibit behavior beyond the control of the parents, foster parents, physical custodian, or guardian.
 - (c) Approval by the youth court judge is required if the complaint alleges commission of a felony or if the youth has been or will be in any way detained.
- (3) A consent adjustment without petition under this section may not be used to dispose of a youth's alleged second or subsequent offense if that offense would be a felony if committed by an adult or third or subsequent offense if that offense would be a misdemeanor if committed by an adult.

History: En. 10-1210 by Sec. 10, Ch. 329, L. 1974; amd. Sec. 4, Ch. 100, L. 1977; amd. Sec. 3, Ch. 571, L. 1977; R.C.M. 1947, 10-1210(1), (2); amd. Sec. 2, Ch. 231, L. 1991; amd. Sec. 25, Ch. 550, L. 1997; Sec. 41-5-401, MCA 1995; redcs. 41-5-1302 by Sec. 47, Ch. 286, L. 1997.

1 Carolyn A. Clemens
2 Deputy County Attorney
3 Lewis and Clark County
4 Courthouse - 228 Broadway
5 Helena, Montana 59601
6 (406) 447-8221

7 MONTANA FIRST JUDICIAL DISTRICT YOUTH COURT,
8 LEWIS AND CLARK COUNTY

9 * * * * *

10 IN THE MATTER OF) DJ NO. _____
11) CONSENT ADJUSTMENT
12 A Youth Under The Age of 18) WITHOUT PETITION

13 * * * * *

14 THE FOLLOWING AGREEMENT is made and is effective on
15 the ____ day of _____, 1998, between the above-named
16 youth, _____, the youth's parents, and the First
17 Judicial District Court Officers undersigned herein.

18 W I T N E S S E T H

19 WHEREAS the admitted facts bring, this case within the
20 jurisdiction of the above-entitled Court; and

21 WHEREAS, this agreement is in the best interests of the
22 above-named youth and the public; and

23 WHEREAS, this Consent Adjustment Without Petition is in
24 lieu of the filing of the Petition;
25

DATE 3-22-99
BILL NO. 2

There has been a lot of discussion among legislators that Informal Consent Adjustments should be severely limited or maybe even eliminated altogether. There seems to be a predominant view that by eliminating these instruments the State of Montana would be able to take a tougher stand on youth crime. I do not promote a soft touch towards youth crime one bit. I want to look at what works and use it to meet the needs of the citizens of Montana as well as holding youth accountable. I wanted to see how effective Informal Consent Adjustments were in dealing with youth so I gathered the statistics from the Laurel, Montana office where I work. The data is presented in the attached table. As you can see, the use of Informal Consent Adjustments are a **viable method of dealing with youthful offenders**. I looked at 188 cases from August of 1995 through March of 1999. Of the total 188 cases, One Informal Consent Adjustment was used in 81 cases or 47.3%. None of these cases had re-arrests or re-appearances before the Youth Court. Another 24 cases or 12.7% were dealt with by the use of two Consent Adjustments. These had two charges with the two appearances before the Youth Court. This clearly shows that 60% of the cases were handled by the use of Informal Consent Adjustments that did not require the involvement of the County Attorneys Office or other formal court practices. This is cost effective Probation that does "deter" a large percentage of cases. All youth completed the requirements of their Consents.

Moving down, you can see that Consent Decrees comprised 20 cases or 10.6% of the population. This 10.6% plus the prior percentage for the one Consent Adjustment(47.3%) and the Second Consent Adjustment(12.7%) equals 70.6%. These documents are an informal way of resolving youth crime in a cost-effective manner while at the same time holding youth accountable. They are done with highly trained Probation Officers using their discretion and in some instances working with the County Attorney (Consent Decrees and Consultation).

I believe that you should allow Probation Officers the latitude to make informed decisions about the cases that come before them on a case-by-case basis. They have the good judgement to know when to use a Consent Adjustment, when to use a Consent Decree, or when to go to Formal Court. There seems to be an air out there that all youth who commit a crime are bad kids and that they should be severely punished so they will never do it again. The above data shows that in the great majority that view just isn't valid. Listen to Probation Officers who have had years of experience in working with youth and families—get some input. Don't be soft on crime, but do not spend resources needlessly or set up unfunded mandates in a time when Montana is expecting some relief.

A related issue is that of Probation Departments notifying schools about violence, drugs, alcohol etc. I can not speak for other schools, but I can say there is a close working relationship between the building principals in Laurel, Montana and myself. Youth generally sign a "Release Of Information" to the school which gives me permission to talk to the school. I also meet at the school and participate with Deans, Principals counselors, special education, and classroom teachers on Child Study Teams, IEP's etc. Any disclosure of information is given per the consent of the youth and in the case of crimes the youth must have either admitted to them or have been adjudicated of the offense i.e.—the youth has already received "due process."

Some of the new and suggested legislation seems to deny a youth the right to "due process." This

is a basic Constitutional right that my children were taught in school and believe to be basic. I believe to deny youth their basic Constitution Right to due process is a mistake. It would be a mistake to deny the youth just as it would be to deny the right to an adult such as a legislator, business executive, school administrators, farmers and ranchers etc. Imagine any one of you being accused of some crime, that perhaps you didn't do. Would you want the right to "due process" prior to authorities notifying the media, your employer terminating your employment, the bank failing to give you an Agricultural Loan, being asked to leave the legislature?

I appreciate you taking the time to review the data and my comments.

Yours truly,



Bernie Hedrick, M.S.

**Probation Statistics From The Laurel, Montana Office
For The Period From August 1995 to March 1999**

<u>Age at First Offense</u>	<u>Number</u>
8	1
9	3
10	3
11	10
12	15
13	16
14	31
15	24
16	38
17	47
Total	188
Dismissed	3
Deferred	3
Warned and Counseled	6
One Consent Adjustment with no further appearances	89
Two Consent Adjustments with no further appearances	24
Three Consent Adjustments	6
Consent Decrees with no further appearances	20
Two Consent Decrees	1
Multiple Offenses	13
Formal Court Probation	10
Formal Court-Institution	10
Warrant or No Show	3
Total	188



CONFERENCE COMMITTEE
on House amendments to Senate Bill 54
Report No. 1, March 22, 1999

Page 1 of 3

Mr. President and Mr. Speaker;

We, your Conference Committee met and considered House amendments to Senate Bill 54 (reference copy -- salmon) and recommend this Conference Committee report be adopted.

For the Senate:

Chair

[Signature]
[Signature]
[Signature]
[Signature]

Amendment Coordinator

RS
Secretary of Senate

For the House:

Chair

[Signature]
[Signature]
[Signature]

And, recommend that Senate Bill 54 (reference copy -- salmon) be amended as follows:

1. Title, line 12.
Following: "~~41-5-1302,~~"
Insert: "41-5-1302,"

2. Page 9, line 1.
Strike: "18"
Insert: "19"

ADOPT

AC SB 54-1

REJECT

641637CC.sjo

3. Page 13, line 9.

Insert: "Section 8. Section 41-5-1302, MCA, is amended to read:

"41-5-1302. Consent adjustment without petition. (1)

Before referring the matter to the county attorney and subject to the limitations in subsection (3), the probation officer or assessment officer may enter into a consent adjustment and give counsel and advice to the youth, the youth's family, and other interested parties if it appears that:

(a) the admitted facts bring the case within the jurisdiction of the court;

(b) counsel and advice without filing a petition would be in the best interests of the child, the family, and the public; and

(c) the youth may be a youth in need of intervention and the probation officer or assessment officer believes that the parents, foster parents, physical custodian, or guardian exerted all reasonable efforts to mediate, resolve, or control the youth's behavior and the youth continues to exhibit behavior beyond the control of the parents, foster parents, physical custodian, or guardian.

(2) Any probation or other disposition imposed under this section against a youth must conform to the following procedures:

(a) Every consent adjustment must be reduced to writing and signed by the youth and the youth's parents or the person having legal custody of the youth.

(b) If the probation officer or assessment officer believes that the youth is a youth in need of intervention, the probation officer or assessment officer shall determine that the parents, foster parents, physical custodian, or guardian exerted all reasonable efforts to mediate, resolve, or control the youth's behavior and that the youth continues to exhibit behavior beyond the control of the parents, foster parents, physical custodian, or guardian.

(c) Approval by the youth court judge is required if the complaint alleges commission of a felony or if the youth has been or will be in any way detained.

(3) A consent adjustment without petition under this section may not be used to dispose of a youth's alleged second or subsequent offense if that:

(a) the youth has admitted commission of or has been adjudicated or sentenced for a prior offense that would be a felony if committed by an adult or third or subsequent offense if;

(b) the second or subsequent offense would be a felony if committed by an adult and was committed within 3 years of a prior offense; or

(c) that the second or subsequent offense would be a misdemeanor if committed by an adult and was committed within 3 years of a prior offense, other than a felony, unless the probation officer notifies the youth court and obtains written approval from the county attorney and the youth court judge.

(4) For purposes of subsection (3), related offenses committed by a youth during the same 24-hour period must be considered a single offense."

Renumber: subsequent sections

4. Page 17, line 23.

Page 17, line 26.

Strike: "16"

Insert: "17"

Strike: "19"

Insert: "20"

5. Page 20, line 12.

Strike: "16"

Insert: "17"

Strike: "19"

Insert: "20"

6. Page 21, line 5.

Page 21, line 6.

Strike: "19"

Insert: "20"

7. Page 21, line 16.

Strike: "18"

Insert: "19"

8. Page 22, line 11.

Strike: "15"

Insert: "16"

Strike: "19"

Insert: "20"

9. Page 22, line 12.

Strike: "15"

Insert: "16"

10. Page 22, line 13.

Strike: "19"

Insert: "20"

- END -

LEGISLATIVE TAPE LOG

COMMITTEE:

Judiciary Conference Committee

DATE:

3-22-99

MINUTES

CONTENT NOTES

12:05

Meeting Called To Order

12:07

Discussion
Matthew Robertson, Department
of Corrections, Legal Counsel

12:09

Executive Action On Amendment

12:11

Meeting Adjourned